

JOSEPH LONGBERRY.

MARCH 7, 1904.—Ordered to be printed.

Mr. ALGER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 10580.]

The Committee on Pensions, to whom was referred the bill (H. R. 10580) granting an increase of pension to Joseph Longberry, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives, hereto appended, is adopted and the passage of the bill is recommended.

The House report is as follows:

Joseph Longberry, now 59 years of age, served as a private in Company G, Fourteenth Ohio Infantry, from April 22, 1861, to August 13, 1861, when honorably discharged with his company, and he then served as a private in Company C, Sixty-eighth Ohio Infantry, from November 7, 1861, to July 10, 1865, when honorably discharged.

Medical records of the War Department furnish no information in his case.

He is now pensioned under the general law at \$8 per month on account of a gunshot wound of the left wrist received while on picket duty at Bolivar, Tenn., in August, 1862, by the accidental discharge of his gun.

After the Pension Bureau had rejected several claims for increase of pension, in which the soldier alleged rheumatism of the left arm and shoulder as a result of the gunshot wound of left wrist, he finally made a claim for rheumatism as of independent service origin, alleging that he contracted such rheumatism at Vicksburg, Miss., in September, 1863.

This claim was rejected on October 27, 1902, upon the ground of no record or medical evidence of treatment for said disability in the service, at or soon after discharge, and claimant's inability, aided by a special examination, to furnish satisfactory evidence to connect the origin of this disability with his military service, or to show continuance thereof for several years after discharge.

The soldier made several conflicting statements as to his physical condition, having stated, in an affidavit filed in the Pension Bureau in 1883, that aside from the wound he had had no attack of acute disease, and had been in good bodily health since his discharge. To the board of examining surgeons at Paulding, Ohio, he is reported to have said in January, 1892, that he contracted rheumatism in Ohio in 1868, and to the medical board at Payne, Ohio, he is reported to have stated in May, 1894, that he had rheumatism for the past eighteen years.

Several of claimant's comrades testified that the soldier had rheumatism while in the service, and several other witnesses testified that he had been troubled more or less with rheumatism ever since discharge, but the Pension Bureau, as well as the Secretary of the Interior, declined to accept this proof as sufficient, in view of the

absence of a record or medical testimony as to treatment in service or at discharge, and in view of the claimant's conflicting allegations.

In closing up his opinion the Assistant Secretary stated as follows:

"Soldier's service was long and arduous. At the siege of Vicksburg he was one of the brave fellows who volunteered the hazardous undertaking of running the blockade. For this duty he was granted a furlough.

"Soldier's present condition—all crippled up and diseased from rheumatism—did not have its origin in the service; at least, as above shown, soldier so stated. Other testimony in the case is not sufficient to overcome his plain statements made before he applied for the additional pension."

The board of surgeons who examined the soldier on April 3, 1901, recommended a rating of \$24 per month for the disability arising from gunshot wound, rheumatism, and disease of heart, and locomotor ataxia.

When last examined, on July 15, 1903, by the board of surgeons at Defiance, Ohio, that board stated that he had locomotor ataxia, that he can not walk without the aid of a cane and can not stand alone without assistance or support, and that his limbs, arms, and hands are nearly in constant tremor.

The rheumatism was described in the examination of 1901. That board of surgeons rated him \$8 for rheumatism, and stated that the fingers of both hands were chubby; the ring and little fingers of left hand contracted and stiffened and fixed; that he could not make the distal parts approach nearer the palm of the hand than  $1\frac{1}{2}$  inches, and that they could not be straightened.

Testimony on file in the Pension Bureau states that the soldier is in destitute financial condition and depends upon the assistance of a sister and other charities.

Medical and other testimony filed with your committee sets forth that the beneficiary is almost totally crippled from the effects of rheumatism; that he needs the constant care of an assistant in dressing and undressing; that he is up all nights suffering with rheumatism, and that he depends upon charity for a support.

In view of the soldiers' faithful service of four years, his helplessness from rheumatism and ataxia, and his great destitution, an increase of his pension to \$24 per month is warranted in the light of numerous precedents.

The passage of the bill is therefore recommended.

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